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2643

AMENDMENT TRANSMITTAL LETTER

Docket No.
63134/P008US/10211756Application No.
09/995,253Filing Date
November 27, 2001Examiner
B. W. TaylorArt Unit
2643

Applicant(s): H. Michael Lord

Invention: METHOD AND APPARATUS FOR EXCHANGING DATA BETWEEN A PRIMARY
COMPUTER SYSTEM AND AN EXTERNAL COMPUTER SYSTEM TO ENSURE
TRANSACTIONAL RECONCILIATION BETWEEN THE SYSTEMS

TO THE COMMISSIONER FOR PATENTS

RECEIVED

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

MAR 26 2004

CLAIMS AS AMENDED

Technology Center 2600

	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	68	- 68 =		x	0.00
Independent Claims	11	- 11 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☐ Large Entity☒ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 06-2380
as described below.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

R. Ross Vigue

Attorney Reg. No.: 42,203

Dated: March 24, 2004

FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8185

Amendment Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV375344087US,
in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 24, 2004

Signature: (Lisa deCordova)

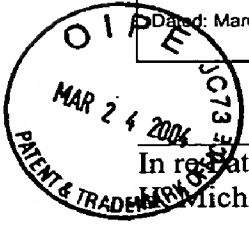
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Dated: March 24, 2004

Signature:

Lisa de Cordova
(Lisa de Cordova)

Docket No.: 63134/P008US/10211756
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael Lord

Application No.: 09/995,253

Filed: November 27, 2001

For: METHOD AND APPARATUS FOR
EXCHANGING DATA BETWEEN A
PRIMARY COMPUTER SYSTEM AND AN
EXTERNAL COMPUTER SYSTEM TO
ENSURE TRANSACTIONAL
RECONCILIATION BETWEEN THE
SYSTEMS

Confirmation No.: 1351

Art Unit: 2643

Examiner: B. W. Taylor

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 26, 2004 (Paper No. 8), applicant hereby provisionally elects claims 1-10 and 38-40 for continued examination, with traverse.

The Examiner has required restriction between claims 1-10 and 38-40 (identified as Group I), claims 11-18 (identified as Group II), claims 19-24 (identified as Group III), claims 25-30 (identified as Group IV), claims 31-37 and 41-50 (identified as Group V), claims 51-57 (identified as Group VI), and claims 58-68 (identified as Group VII). In requiring election of claims for further prosecution, the Examiner asserts that the above identified groups are related as combination and subcombination and that the inventions are distinct from one another. However, the Examiner has not identified which of the proffered claim groupings are asserted to form a subcombination and which are asserted to form a combination. As such, there is no showing of the required two-way distinctness, as shown by the combination not requiring the particulars of the subcombination as claimed for patentability, see M.P.E.P. 25392464.1

§ 806.05(c). Accordingly, the Restriction Requirement with respect to each of Groups I-VII is improper and should be withdrawn.

In identifying the claims of the various groups, the Examiner has mischaracterized the claimed inventions. For example, claims 1-10 and 38-40 of Group I are said by the Examiner to be “drawn to changing service profile.” However, independent claims 1 and 38 do not recite changing a service profile, or even a service profile, and therefore are not limited as suggested by the Examiner. Similarly, claims 19-24 of Group III are said by the Examiner to be “drawn to remote ordering.” However, independent claim 19 does not recite ordering, remote or otherwise, and therefore is not limited as suggested by the Examiner. Claims 31-37 and 41-50 of Group V are said by the Examiner to be “drawn to ordering merchandise.” However, independent claim 41 neither recites ordering nor merchandise and therefore is not limited as suggested by the Examiner. Claims 58-68 of Group VII are said by the Examiner to be “drawn to presentation or description of sales item.” However, independent claims 58 and 63 neither recite presentation nor description of a sales item, or even a sales item, and therefore are not limited as suggested by the Examiner.

In asserting two-way distinctness with respect to the above claim groupings in order to support the requirement for restriction (although no combinations and subcombinations are identified), the Examiner asserts that “the combination as claimed does not require the particulars of the subcombination as claimed because they are each directed to different inventive concepts.” However, the “inventive concepts” identified by the Examiner with respect to Group I, Group III, Group V, and Group VII do not appear in the broadest claims thereof. Accordingly, the proffered basis of two-way distinctness does not exist and the claims of Group I, Group III, Group V, and Group VII are improperly restricted.

Additionally, the two-way distinctness proffered in the Restriction Requirement is improper with respect to claim groupings in addition to those identified above. For example, with respect to claims 11-18 of Group II, the Examiner states that the claims are “drawn to data processing for modifying data records,” and that “the combination as claimed does not require the particulars of the subcombination as claimed because they are each directed to different inventive concepts.” However, independent claim 1 of Group I recites the same “modifying data” limitation as independent claim 11 of Group II. It is not understood how such a limitation in claim 11 could be directed to a different inventive concept than the same

limitation in claim 1. Accordingly, the claims of Group I and Group II are asserted to be improperly restricted.

Independent claim 41 of Group V presents a Beauregard claim having limitations substantially corresponding to independent claim 1 of Group I and independent claim 11 of Group II. Accordingly, Applicant respectfully asserts that claims of Group I, Group II, and Group V are improperly restricted.

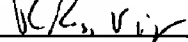
Similarly, independent claim 58 of Group VII presents a system claim having limitations substantially corresponding to independent claim 51 of Group VI. Accordingly, Applicant respectfully asserts that claims of Group VI and Group VII are improperly restricted.

From the above, Applicant respectfully asserts that each of the requirements for restriction of record in the Restriction Requirement are improper and, therefore, that claims 1-68 should be examined. Moreover, the basis for the requirement for restriction with respect to the claims of each of Group I, Group II, Group V, and Group VII are improper as detailed above and, therefore, claims 11-18, 31-37, 41-50, and 58-68 should be examined along with claims 1-10 and 38-40 of provisionally elected Group I.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 63134/P008US/10211756 from which the undersigned is authorized to draw.

Dated: March 24, 2004

Respectfully submitted,

By 
R. Ross Viguet
Registration No.: 42,203
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8000
(214) 855-8200 (Fax)
Attorney for Applicant